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10/076,689	02/14/2002	Michael R. Abato	10016.02	1741

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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/076,689

Applicant(s)

ABATO, MICHAEL R.

Examiner

Ramsey Refai

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/11/04, 5/9/02, 8/19/02, 3/11/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-55 are presented for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement filed November 24, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claims 17, 18, and 29, it is not clear what the terms “announcement”, “announced”, and “unannounces” pertain to. It is not understood what is announced, how the register announces the object to the queue, and how an object which is announced last unannounces any other object competing for a same resource on the client device.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1.17-19, 26, and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 10, Claim 19, line 10, Claim 26, line 10, Claim 55, line 9 recite the limitation "the Show Object".

Claim 7, line 3, Claim 19, line 13, Claim 26, line 13, Claim 55, line 12 recite the limitation "the Subscriber Object".

There is insufficient antecedent basis for these limitations in the claims.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 55 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to software per se transmitted on a signal and render it non-statutory, unless implemented on a computer readable medium.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Ullman et al (U.S. Patent No. 6,018,768).

10. As per claim 1, Ullman et al teach a computer readable medium providing program code segments for creating a Virtual Stage on a client device, wherein the Virtual Stage provides a platform by which at least one segment of Enhanced Content can be presented to a client via a presentation device (**abstract**), comprising:

a first program code segment providing an abstraction of a Receiver Object wherein the Receiver Object provides at least one instruction which configures the client device to receive at least one segment of Enhanced Content from an Enhanced Content provider (**Figure 8, column 11, lines 2-24**); and

a second program code segment providing an abstraction of a Show, wherein the Show Object provides at least one instruction which configures the client device to present the at least one segment of Enhanced Content (**172, Figure 8, column 11, lines 2-24, abstract**);

whereupon establishment of a communications link between the client device and the Enhanced Content provider, the Receiver Object and Show Object configured client device receives the at least one segment of Enhanced Content and presents the received Enhanced Content segments via a presentation device (**Figure 8, column 11, lines 2-24, column 9, lines 36-58, abstract**).

11. As per claim 2, Ullman et al teach wherein the Virtual Stage further comprises a Virtual Classroom (**column 3, line 3, column 10, lines 33-45**).

12. As per claim 3, Ullman et al teach the Virtual Stage further comprises a Virtual Chat session (**element 168 in Figure 8, column 11, lines 8-43**) .

13. As per claim 4, Ullman et al teach wherein the client device comprises at least one of a personal computer, a personal data assistant, a Web tablet, a wireless communications device, a computer workstation, a gaming console, a set-top box, an Internet equipped television, a digital television, a Browser, a cable box, and a device capable of presenting Enhanced Content to a client (**column 9, lines 4-49, Figures 1-2**).

14. As per claim 5, Ullman et al teach the presentation device further comprises at least of a television, a video display system, an audio system, a virtual reality system, a gaming system, slow motion video presentation system, a still-frame presentation system, a motion picture presentation system, and a home theater system (**column 9, lines 4-49, Figures 1-2**).

15. As per claim 6, Ullman et al teach at least one of the first program code segment and the second program code segment provides at least one instruction to configure the client device to receive or present at least one segment of Enhanced Content received in at least one of a hyper-text mark-up language file format, a Flash file format, a dhtml file format, a Java file format, an

xml file format, a text file format, a graphic file format, a video file format, and a sound file format (**abstract, column 1, line 66-column 2, line 16**).

16. As per claim 7, Ullman et al teach a third program code segment providing an abstraction of a Subscriber, wherein the Subscriber Object provides at least one instruction which configures the client device to subscribe to at least one subscription (**column 4, lines 55-58, column 6, lines 5-23**).

17. As per claim 8, Ullman et al teach the at least one instruction configures the client device to subscribe to at least one chat message service (**element 168 in Figure 8, column 11, lines 8-43**).

18. As per claim 9, Ullman et al teach the computer readable medium is located with at least one of a network server, the client device, the Enhanced Content provider, and a provider of a temporal signal to which the Enhanced Content relates (**column 10, lines 59-65, column 9, lines 36-65, Figures 1-2**).

19. As per claim 10, Ullman et al teach a fourth program code segment providing an abstraction of a Control Area, wherein the abstracted Control Area includes at least one Object utilized by the client device to establish interfaces between the client device and at least one Enhanced Content provider (**column 8, lines 22-40**).

20. As per claim 11, Ullman et al teach a fifth program code segment providing a Stage Manager, wherein the Stage Manager controls the creation and operation of the Virtual Stage (column 7, lines 35-62).

21. As per claim 12, Ullman et al teach the Stage Manager further comprises at least one instruction for creating a Queue and a Register; wherein the Queue includes a listing of at least one task utilized to configure the client device to present the at least one segment of Enhanced Content (Figure 7, column 10, lines 32-58) and the Register includes an identification of at least one Object and how each of the at least one Object can be contacted (Figure 7, column 10, lines 32-58).

22. As per claim 13, Ullman et al teach at least one of the abstracted Show Object and the abstracted Receiver Object are identified as an Object on the Register (Figures 7-8, column 10, lines 40-58).

23. As per claim 14, Ullman et al teach the Register further comprises a table having an Object column and a key column, wherein the Object column identifies a particular Object, and the key column identifies where the particular Object is located (Figure 7, column 10, lines 32-58).

24. As per claim 15, Ullman et al teach the Object is located in a memory device that is co-located with at least one of a network server, an Enhanced Content provider, the client device



and a provider of a Temporal Signal related to the Enhanced Content (**Figures 1-2, 4, column 4, lines 55-65**).

25. As per claim 16, Ullman et al teach at least one Object in the Register has a co-dependency with at least one additional Object in the Register (**Figure 7, column 10, lines 32-58**).

26. As per claim 17, Ullman et al teach adding an Object to the Register, the Register announces the Object to the Queue, and whereupon receiving the announcement, the Queue surveys any listed tasks and directs the Stage Manager to perform those tasks which are awaiting the announcement prior to being executed (**abstract, column 7, line 63-column 8, line 40**).

27. As per claim 18, Ullman et al teach the Stage Manager further comprises an instruction which provides that an Object which is announced last unannounces any other Object competing for a same resource on the client device (**abstract, column 7, line 63-column 8, line 40**).

28. As per claim 31, Ullman et al teach a system for presenting Enhanced Content related to a Temporal Signal to a client via a client device on a Virtual Stage (**abstract**) comprising:

a receiver for receiving a Temporal Signal, wherein the Temporal Signal includes at least one URI embedded into the Temporal Signal, the URI providing an address for a Site providing Enhanced Content related to the Temporal Signal (**abstract, column 4, lines 41-54**);

a decoder, connected to the receiver, for extracting the URI from the Temporal Signal and outputting the URI (**Figures 1 and 2, column 4, line 55-column 5, line 13, column 5, line 45-column 6, line 4**);

a client device, connected to the decoder, (**Figures 1-2**) the client device further comprising:

a browser (**column 7, lines 35-53**); and

a storage device (**Figures 1-2, column 5, lines 30-45**);

whereupon receipt of the URI from the decoder, the Browser establishes a connection with the Site and receives from the site a program code which configures the client device as a Virtual Stage by initializing and saving, in the storage device, cross-dependent abstractions of a Show Object and a Receiver Object (**abstract, column 4, lines 42-54, column 8, lines 22-65**), wherein the Receiver Object and the Show Object collectively enable the Browser to receive and present the Enhanced Content from any source and via any communications link utilized to communicate the Enhanced Content to the client device (**Figures 4-6, abstract, column 4, lines 42-54, column 8, lines 22-65**).

29. As per claims 19-30 and 32-55, these claims contain similar limitations as claims 1-18 and 31 above, therefore are rejected under the same rationale.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hidary et al (U.S. Patent No. 5,774,664)

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- b. Freeman et al (U.S. Patent No. 5,861,881)
- c. Dunlap et al (U.S. Patent No. 6,760,749)
- d. Yasuki et al (U.S. Patent No. 6,285,407).

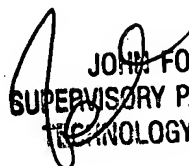
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2154

RR  
May 13, 2005

  
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